

Steinhorn

PUBLIC LAW 95-480—OCT. 18, 1978

92 STAT. 1567

Public Law 95-480
95th Congress

An Act

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1979, and for other purposes.

Oct. 18, 1978

[H.R. 12929]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1979, and for other purposes, namely:

Departments of
Labor and
Health,
Education, and
Welfare
Appropriations
Act, 1978.
Department of
Labor
Appropriation
Act, 1979.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and allowances to unemployed Federal employees and ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, of benefits and payments as authorized by title II of Public Law 95-250, of trade adjustment benefit payments and allowances, as provided by law (19 U.S.C. 1941-1944 and 1952; part I, subchapter B, chapter 2, title II of the Trade Act of 1974), and for reimbursement to States for unemployment benefits paid on the basis of public service employment as authorized by title II of the Emergency Jobs and Unemployment Assistance Act of 1974, as amended, and for reimbursements as authorized by Section 121 of P.L. 94-566, \$950,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided*, That, in addition, there shall be transferred from the Postal Service Fund to this appropriation such sums as the Secretary of Labor determines to be the cost of benefits for ex-Postal Service employees: *Provided further*, That amounts received during the current fiscal year from the Postal Service or recovered from the States pursuant to 5 U.S.C. 8505(d) shall be available for such payments during the year: *Provided further*, That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

5 USC 8501 *et*
seq.
Ante, p. 172.

19 USC 2291.

26 USC 3304
note.

Ante, p. 180.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND
EMPLOYMENT SERVICES

For grants for activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49n; 39 U.S.C. 3202(a)(1)(E)); Veterans' Employment and Readjustment Act of 1972, as amended (38 U.S.C. 2001-2013); title III of the Social Security Act, as amended (42 U.S.C. 501-503); sections 312 (e) and (g) of the Comprehensive Employment and Training Act of 1973, as amended; and necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, 19 U.S.C. 1941-1944, 1952, and chapter 2, title II, of the Trade Act of 1974,

29 USC 882.

19 USC 2271.

including, upon the request of any State, the payment of rental for space made available to such State in lieu of grants for such purpose, \$21,600,000, together with not to exceed \$1,693,600,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$234,145,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

42 USC 299e.

Ante, p. 12.

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by subsection b(2) of section 3 of the Black Lung Benefits Revenue Act of 1977, and for non-repayable advances to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1980, \$200,000,000.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, \$59,754,000.

PENSION BENEFIT GUARANTY CORPORATION

The Pension Benefit Guaranty Corporation is authorized to make such expenditures within limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program through September 30, 1979 for such corporation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal and local agencies and their employees for inspection services rendered, \$120,444,000 together with \$320,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act.

33 USC 939,
944.

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and fifty per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, \$231,200,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1979.

5 USC 8101 *et seq.*

60 Stat. 696.

57 Stat. 513.

33 USC 910.

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, \$422,265,000, of which \$389,400,000 shall be available for payments of all benefits and interest on advances under subsection (b) (2) of section 3 of the Black Lung Benefits Revenue Act of 1977, as authorized by section 424(a) (1), (2), and (4) of the Black Lung Benefits Act, as amended, and of which \$24,555,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses and \$8,310,000 for transfer to Departmental Management, Salaries and Expenses for expenses of operation and administration of the Black Lung Benefits program as authorized by section 424(a) (5) of the Black Lung Benefits Act, as amended: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year.

Ante, p. 12.

30 USC 934.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$171,224,000: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for 10 or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or

29 USC 651 note.

29 USC 666.

CMS Library
C2-07-13
7500 Security Blvd.
Baltimore, Maryland 21244

29 USC 651 note.

29 USC 662.

29 USC 656,
667.

fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of 10 or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained by such consultants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

30 USC 962.

For necessary expenses for the Mine Safety and Health Administration, \$125,500,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disasters.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$94,752,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for departmental management including \$1,616,000 for the President's Committee on Employment of the

Handicapped, \$76,247,000, together with not to exceed \$1,817,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, \$70,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency for payments in the foregoing currencies.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

SEC. 102. None of the funds appropriated by this title may be used by the Department of Labor to carry out any activities for or on behalf of any individual who is an alien in the United States in violation of the Immigration and Nationality Act or any other law, convention or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

This title may be cited as the "Department of Labor Appropriation Act, 1979."

Citation of title.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

Department of
Health,
Education,
and Welfare
Appropriation
Act, 1979.

For carrying out titles III, V, and XII of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), section 108 of Public Law 93-353, and titles V and XI of the Social Security Act, \$712,115,000, including 9,258 full-time permanent positions, of which \$1,600,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses, hereafter incurred, by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health, Education, and Welfare, and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That when the Health Services Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance to this appropriation.

42 USC 241, 219,
300d.
42 USC 253b and
note.
42 USC 701,
1301.

CENTER FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

42 USC 241,
300d.
30 USC 801 note.
29 USC 651 note.

To carry out titles III and XVII of the Public Health Service Act, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$162,849,000, including 3,982 full-time permanent positions, of which \$1,912,000 shall remain available until expended and shall be for construction and equipment of facilities of or used by the Center for Disease Control: *Provided*, That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

42 USC 241.

For carrying out, to the extent not otherwise provided, section 301 of the Public Health Service Act with respect to cancer, \$917,000,000, including 2,062 full-time permanent positions.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For expenses, not otherwise provided for, necessary to carry out section 301 of the Public Health Service Act with respect to heart, lung, blood vessel, and blood diseases, \$485,584,000, including 788 full-time permanent positions.

NATIONAL INSTITUTE OF DENTAL RESEARCH

42 USC 281.

For expenses, not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to dental diseases, \$61,920,000, including and not to exceed 287 full-time permanent positions.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

For expenses necessary to carry out title IV of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, \$287,869,000, including 642 full-time permanent positions.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS
AND STROKE

For expenses necessary to carry out, to the extent not otherwise provided, title IV of the Public Health Service Act with respect to neurological and communicative disorders and stroke, \$205,000,000, including 567 full-time permanent positions.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to allergy and infectious

diseases, \$183,198,000, including and not to exceed 649 full-time permanent positions.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV of the Public Health Service Act with respect to general medical sciences, \$231,058,000, including 179 full-time permanent positions. 42 USC 281.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV of the Public Health Service Act with respect to child health and human development, \$114,305,000, including 400 full-time permanent positions.

NATIONAL INSTITUTE ON AGING

To carry out, except as otherwise provided, title IV of the Public Health Service Act with respect to aging, \$54,526,000, including 258 full-time permanent positions.

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV of the Public Health Service Act, with respect to eye diseases and visual disorders, \$100,549,000, including 186 full-time permanent positions.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to environmental health sciences, \$73,512,000, including 405 full-time permanent positions. 42 USC 241, 243.

RESEARCH RESOURCES

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to research resources and general research support grants, \$153,649,000, including 80 full-time permanent positions: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Support program, shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$8,989,000, of which \$1,700,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL LIBRARY OF MEDICINE

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and part I of title

- 42 USC 241. III of the Public Health Service Act, \$33,444,000, including 503 full-time permanent positions.

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, where not otherwise provided, \$67,950,000 to remain available until expended.

OFFICE OF THE DIRECTOR

For expenses necessary for the Office of the Director, National Institutes of Health, \$19,673,000, including 4,780 full-time permanent positions and including purchase of not to exceed thirteen passenger motor vehicles for replacement only.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

- 42 USC 201 note. For carrying out the Public Health Service Act with respect to mental health, the Community Mental Health Centers Act, as amended (42 U.S.C. 2681, et seq.), and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended, \$741,022,000.
- 21 USC 801 note.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in scientific research into the nature, causes, prevention, and treatment of mental illness, \$75,824,000, or such amounts as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and \$98,792,000.

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

- 42 USC 241, 292. For carrying out titles III and VII of the Public Health Service Act, section 1122 of the Social Security Act, \$462,972,000, including 1,275 full-time permanent positions, of which \$3,000,000 shall remain available until expended for loan guarantees and interest subsidies under Part B of title VII.
- 42 USC 1320a-1.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

- 42 USC 300o. For carrying out title XVI of the Public Health Service Act, \$42,000,000 shall be available without fiscal year limitation for the payment of interest subsidies. The total principal amount of loans to be guaranteed or directly made, which may be allotted among the States, pursuant to titles VI and XVI of the Public Health Service Act shall not exceed a cumulative amount of \$1,750,000,000.
- 42 USC 291, 300o.

PAYMENT OF SALES INSUFFICIENCIES AND INTEREST LOSSES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in the Health Professions Education Fund assets or Nurse Training Fund assets, authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, \$110,000, and for payment of amounts pursuant to 42 U.S.C. 294(q) or 42 U.S.C. 297(f) to schools which borrow any sums from the Health Professions Education Fund or Nurse Training Fund, \$2,302,000: *Provided*, That the amounts appropriated herein shall remain available until expended.

81 Stat. 390.
12 USC 1717.

HEALTH EDUCATION LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Health Professions Education Fund and the Nurse Training Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year.

31 USC 849.

ASSISTANT SECRETARY FOR HEALTH

SALARIES AND EXPENSES

For expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XIII, and XVII of the Public Health Service Act, \$51,232,000, including 1,921 full-time permanent positions.

42 USC 241,
300e, 300u-1.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

Any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act and any other property or assets derived by him from his operations respecting such loans and loan guarantees, including any money derived from the sale of assets, shall be available to the Secretary without fiscal year limitation for direct loans and loan guarantees, as authorized by said title XIII, in addition to funds specifically appropriated for that purpose.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan; Survivor Benefit Plan and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States,

for necessary expenses for conducting scientific activities overseas, as authorized by law, \$11,387,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations for such activities, for payments in the foregoing currencies.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

42 USC 1396. For carrying out, except as otherwise provided, title XIX of the Social Security Act, \$11,250,000,000.

For making, after June 30 of the current fiscal year, payments to States under title XIX of the Social Security Act, for the last three months of the current fiscal year; and for making after July 31 of the current fiscal year, payments for the first quarter of the succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title to be charged to the subsequent appropriation therefor for the current or succeeding fiscal year.

In the administration of title XIX of the Social Security Act, payments to a State under such title for any quarter in the period beginning July 1 of the prior year and ending September 30 of the current year may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which a subsequently approved plan was submitted.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to June 30 of that year.

PAYMENT TO HEALTH CARE TRUST FUNDS

42 USC 417,
429,
1320c-17,
1395w.
42 USC 426a,
1395i-1. For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 229(b), 1168 and 1844 of the Social Security Act, and sections 103(c) and 111(d) of the Social Security Amendments of 1965, \$7,760,913,000.

QUALITY CARE MANAGEMENT, RESEARCH AND ADMINISTRATION

42 USC 1301,
1395. 1396.
42 USC 300m-5,
300n-2.
42 USC 401. For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and sections 1526 and 1533(d) of the Public Health Service Act, \$106,612,000, together with not to exceed \$802,899,000, to be transferred to this appropriation as authorized by section 201(g) (1) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That such amounts as are required shall be available to pay travel expenses either on an actual cost or commuted basis, to an individual for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands to reconsideration interviews and to proceedings before administrative law judges under title XVIII of the Social Security Act: *Provided further*, That \$20,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679

of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved. 42 USC 1395.

EDUCATION DIVISION

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I, part A (\$3,077,132,000), title IV, part C, title VII and title IX of the Elementary and Secondary Education Act; title VII of the Education Amendments of 1974; the General Education Provisions Act; and Public Law 92-506, \$3,448,382,000: *Provided*, That of the amounts appropriated above the following amounts shall become available for obligation on July 1, 1979, and shall remain available until September 30, 1980: title I, part A (\$3,077,132,000), title IV, part C (\$190,000,000) of the Elementary and Secondary Education Act and section 417(a)(2) of the General Education Provisions Act (\$1,250,000). For carrying out title IV, part C of the Elementary and Secondary Education Act an additional \$7,400,000 to become available for obligation on July 1, 1979, and to remain available until September 30, 1980: *Provided*, That none of such funds may be paid to any State for which the allocation for fiscal year 1980 exceeds the allocation for comparable purposes for fiscal year 1979.

20 USC 241a,
1831,
880b note, 1134.
20 USC 1901,
1221.
86 Stat. 907

20 USC 1226c.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), \$786,100,000 of which \$63,500,000 shall be for payments under section 6, and \$710,600,000 shall be for payments under sections 2 and 3 in accordance with subsection 5(c) (1) and (2) of said Act, and \$12,000,000 shall be for payments under section 7 of said Act: *Provided*, That the total amount paid with respect to entitlements under section 3(b) of that title shall not exceed the amount paid under that section in fiscal year 1978, and any reductions required thereby shall be derived by proportionately reducing the payments applied for by all local educational agencies under section 3(b).

20 USC 241.

20 USC 237,
238, 240.
20 USC 241-1.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), \$30,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of up to \$13,000,000 for section 10 and up to \$16,000,000 for section 14 none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5: *Provided further*, That, notwithstanding section 421A(c)(2)(A) of the General Education Provisions Act, the Commissioner of Education is authorized to approve applications for funds to increase school facilities in communities located near the Trident Support Site, Ban-

20 USC 640,
644.

20 USC 1231.

gor, Washington, on such terms and conditions as he may reasonably require without regard to any provision in law.

EMERGENCY SCHOOL AID

42 USC 2000c.
20 USC 1601
note.

For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, \$341,350,000: *Provided*, That the Assistant Secretary, in awarding funds under this program, shall not give less favorable consideration to the application of a local educational agency which has voluntarily adopted a plan qualified for assistance under this title than to the application of a local educational agency which has been legally required to adopt such a plan.

EDUCATION FOR THE HANDICAPPED

20 USC
871-880a notes.
20 USC 1411.
20 USC 1419.

For carrying out the Education of the Handicapped Act, \$976,637,000: *Provided*, That of this amount \$804,000,000 for part B and \$17,500,000 for section 619 shall become available for obligation on July 1, 1979, and shall remain available until September 30, 1980.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

20 USC 2563.
20 USC 2301,
1201 note.
20 USC 2401.

For carrying out, to the extent not otherwise provided, section 523 of the Education Amendments of 1976, the Vocational Education Act of 1963, as amended, and the Adult Education Act, \$774,453,000 of which \$10,000,000 for part B, subpart 2 of the Vocational Education Act shall remain available until expended: *Provided*, That the amounts appropriated above shall become available for obligation on July 1, 1979, and shall remain available until September 30, 1980, unless otherwise specified herein: *Provided further*, That not to exceed \$112,317,000 shall be for carrying out part A, subpart 3 of the Vocational Education Act.

20 USC 2350.

STUDENT ASSISTANCE

20 USC 1070a,
1070b.
42 USC 2751,
20 USC 1087aa.

For carrying out subparts 1 (\$2,600,000,000), 2 (\$340,100,000), and 3 (\$76,750,000) of part A, and parts C (\$550,000,000) and E (\$328,900,000) of Title IV of the Higher Education Act, and, to the extent not otherwise provided, the General Education Provisions Act, \$3,922,650,000, of which \$3,895,750,000 shall remain available until September 30, 1980: *Provided*, That such funds may be expended notwithstanding the provisions of section 1208(a)(2) of the Higher Education Act: *Provided further*, That (1) Funds appropriated in this Act for Basic Educational Opportunity Grants under the Higher Education Act of 1965 shall be used to make basic grants consistent with the Schedule of Expected Family Contribution in effect as of October 1, 1978, except that (A) such schedule shall not have an assessment rate on parental discretionary income in excess of 10.5 per centum, (B) such schedule shall not reduce the maximum basic grant below \$1,800, and (C) such schedule shall retain the provisions relating to independent students as were in effect for the academic year 1978-79.

20 USC
1146-1150
note.
20 USC 1001
note.

(2) If funds contained in this Act available for basic educational opportunity grants are insufficient to satisfy fully all basic grant entitlements as determined by the Family Contribution Schedule as modified by paragraph (1), the amount paid with respect to each such entitlement shall be—

(A) the full amount in the case of any entitlement which exceeds \$1,600;

(B) in the case of any entitlement which exceeds \$1,200 but does not exceed \$1,600, 90 per centum thereof;

(C) in the case of any entitlement which exceeds \$1,000 but does not exceed \$1,200, 75 per centum thereof;

(D) in the case of any entitlement which exceeds \$800 but does not exceed \$1,000, 70 per centum thereof;

(E) in the case of any entitlement which exceeds \$600 but does not exceed \$800, 65 per centum thereof; and

(F) in the case of any entitlement which does not exceed \$600, 50 per centum thereof:

Provided further, That amounts appropriated for basic opportunity grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for basic opportunity grants published by the Commissioner of Education during the prior fiscal year: *Provided further*, That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for basic opportunity grants which exceed the amounts required to meet the payment schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated the next fiscal year.

20 USC 1070a.

HIGHER AND CONTINUING EDUCATION

For carrying out titles I–A, III, VIII, IX, and XI and sections 417, 418, 420, 705, 745, and 1203 of the Higher Education Act; the Mutual Education and Cultural Exchange Act of 1961; section 421 of the General Education Provisions Act; title VI of the National Defense Education Act; and the Hubert H. Humphrey Institute of Public Affairs and the Everett McKinley Dirksen Congressional Leadership Research Center Assistance Act, \$393,000,000: *Provided*, That funds contained in Public Law 95–205 for carrying out section 525 of the Education Amendments of 1976 shall remain available for obligation until September 30, 1980.

20 USC 1051,
1133,
1134, 1136,
1070e–1,
1132a–4,
1132c–4, 1142b.
22 USC 2451
note.
20 USC 1230.
20 USC 511.
91 Stat. 1460.
20 USC 2565.

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I and III of the Library Services and Construction Act (20 U.S.C., ch. 16); title II of the Higher Education Act; and title IV, part B of the Elementary and Secondary Education Act, \$266,475,000: *Provided*, That \$180,000,000 for Title IV, part B of the Elementary and Secondary Education Act shall become available for obligation on July 1, 1979, and shall remain available until September 30, 1980.

20 USC 352,
355e.
20 USC 1021.
20 USC 1821.

SPECIAL PROJECTS AND TRAINING

For carrying out the Special Projects Act (Public Law 93–380), the General Education Provisions Act, to the extent not otherwise provided, title V, part A and section 532 of the Higher Education Act of 1965, and the Career Education Incentive Act (Public Law 95–207), \$134,472,000, of which not to exceed \$1,840,000 shall be for carrying out section 403 of the Special Projects Act.

20 USC 1851
note.
20 USC 1221.
20 USC 1101,
1119a, 2601
note.
20 USC 1862.

SALARIES AND EXPENSES

20 USC 1221.

For carrying out, to the extent not otherwise provided, the General Education Provisions Act, including rental of conference rooms in the District of Columbia, \$126,830,000: *Provided*, That during the current fiscal year up to \$10,000,000 in collections on Federally insured defaulted loans may be transferred to the Salaries and Expenses account for the payment of related collection activities.

STUDENT LOAN INSURANCE FUND

20 USC 1071.

For necessary expenses under title IV, part B of the Higher Education Act, and to the extent not otherwise provided, the General Education Provisions Act, \$714,314,000, to remain available until expended: *Provided*, That the Commissioner is authorized to issue to the Secretary of the Treasury notes or other obligations, in an amount not to exceed a total of \$25,000,000 without fiscal year limitation, to maintain the adequacy of the fund, but only with respect to payments authorized under section 431 of the Higher Education Act.

20 USC 1081.

HIGHER EDUCATION FACILITIES LOAN AND INSURANCE FUND

81 Stat. 390.

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), \$2,204,000 to remain available until expended, and the Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan and Insurance Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund.

HEALTH PROFESSIONS GRADUATE STUDENT LOAN INSURANCE FUND

42 USC 294.

For necessary expenses for the Health Professions Graduate Student Loan Insurance Fund, authorized by title VII, part C, subpart 1 of the Public Health Service Act, the Secretary is authorized to issue to the Secretary of the Treasury notes or obligations, in an amount not to exceed a total of \$2,500,000, without fiscal year limitation, to maintain the adequacy of the fund, but only with respect to payments authorized under section 734.

42 USC 294g.

NATIONAL INSTITUTE OF EDUCATION

NATIONAL INSTITUTE OF EDUCATION

20 USC 1221e.

For carrying out section 405 of the General Education Provisions Act, including rental of conference rooms in the District of Columbia, \$92,300,000.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

SALARIES AND EXPENSES

For necessary expenses to carry out sections 402, 404 and 406 of the General Education Provisions Act, \$38,483,000, of which not to exceed \$1,500 may be for official reception and representation expenses.

20 USC 1221b,
1221d, 1221e-1.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under section 217(a), 228(g), 229(b), and 1131(b)(2) of the Social Security Act, \$760,774,000.

42 USC 417,
428,
429, 1320b-1.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses either on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, \$1,016,608,000: *Provided*, That after July 31, such amounts for benefit payments as may be necessary may be charged to the subsequent year appropriation.

30 USC 901.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income program under title XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201 (g) (1) of the Social Security Act, \$5,557,854,000: *Provided*, That for carrying out these activities after July 31, such sums as may be necessary shall be available, the obligations and expenditures therefor to be charged to the appropriation for the succeeding fiscal year: *Provided further*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

42 USC 1381.
86 Stat. 1485,
87 Stat. 155.
42 USC 1383
note.

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV, X, XI and XIV of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C., Ch. 9), \$6,663,000,000.

42 USC 301,
601, 1201,
1301, 1351.

For making, after June 30 of the current fiscal year, payments to States under titles I, IV, X, XIV, and XVI, respectively, of the Social Security Act for the last three months of the current fiscal year; and for making after July 31 of the current fiscal year, payments for the first quarter of the succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the sub-

sequent appropriations therefor for the current or succeeding fiscal year.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to June 30 of that year.

NATIONAL COMMISSION ON SOCIAL SECURITY

For carrying out the purposes of the National Commission on Social Security established pursuant to section 361 of Public Law 95-216, \$500,000 to remain available until expended.

42 USC 907a.

REFUGEE ASSISTANCE

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to Cuban refugees within the United States, including hire of passenger motor vehicles, and the Indochina Migration and Refugee Assistance Act of 1975, as amended, \$155,300,000: *Provided*, That \$7,500,000 of the foregoing amount shall be apportioned for the purposes of the special projects authorized by section 2(c) of the Indochina Migration and Refugee Assistance Act of 1975, as amended, to be administered primarily by the private voluntary resettlement agencies.

22 USC 2601
note.

22 USC 2601
note.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than \$2,234,587,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay travel expenses either on an actual cost or commuted basis, to an individual for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsider interviews and to proceedings before administrative law judges under title II, XVI, and XVIII of the Social Security Act: *Provided further*, That \$25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 66), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitations has been achieved: *Provided further*, That \$14,800,000 authorized herein shall be available only for acquisition of sites, construction and equipment of facilities and for payments of principal, interest, taxes and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 and the Public Buildings Amendments of 1972, and shall remain available until expended.

42 USC 401.
42 USC 421 note.

42 USC 401,
1381, 1395.

31 USC 665.

42 USC 421.

40 USC 356 note.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), \$3,906,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), \$16,625,000.

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954 (68 Stat. 265), \$44,833,000, of which \$11,105,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the college, such construction shall be supervised by the General Services Administration.

HOWARD UNIVERSITY

For the partial support of Howard University, \$113,393,000, of which \$10,000,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the University, such construction shall be supervised by the General Services Administration.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

GRANTS TO STATES FOR SOCIAL AND CHILD WELFARE SERVICES

For carrying out activities authorized by sections 420 and 2001 of the Social Security Act, \$2,578,052,000, of which \$56,500,000 shall be for child welfare services authorized by section 420. 42 USC 620, 1397.

For making, after June 30 of the current fiscal year, payments to States authorized by section 2001 of the Social Security Act, for the last three months of the current fiscal year, and for making after July 31 of the current fiscal year, payments for the first quarter of the succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to June 30 of that year.

ADOPTIONS OPPORTUNITIES

To carry out title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (title II of Public Law 95-266), \$5,000,000. 42 USC 5111.

WORK INCENTIVES

For carrying out a work incentives program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, \$385,000,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which 42 USC 630.
42 USC 602.
42 USC 631.

42 USC 603. the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

DEPARTMENT MANAGEMENT

OFFICE OF CIVIL RIGHTS

42 USC 401. For expenses necessary for the Office for Civil Rights \$71,156,000, together with not to exceed \$1,200,000, to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, \$36,606,000, together with not to exceed \$4,705,000 to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein.

GENERAL DEPARTMENTAL MANAGEMENT

Ante, p. 112. For expenses not otherwise provided, necessary for general departmental management, including hire of six medium sedans, \$128,026,000, together with not to exceed \$6,890,000, to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein: *Provided*, That funds, appropriated under this head in Public Law 95-240 for compensating the State of Washington for expenses related to the Tacoma Indian Hospital, shall remain available until expended.

POLICY RESEARCH

42 USC 1310. For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, \$25,000,000.

GENERAL PROVISIONS

SEC. 201. Notwithstanding any other provision in this Act, the total amount of budget authority provided in this Act for the Department of Health, Education, and Welfare is hereby reduced in the amount of \$1,000,000,000: *Provided*, That this reduction shall be achieved by the reduction of fraud, abuse, and waste as defined and cited in the annual report, dated March 31, 1978, of the Inspector General of the Department of Health, Education, and Welfare: *Provided further*, That this section shall not be construed to change any law authorizing appropriations or other budget authority in this Act.

SEC. 202. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 203. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom shall be subject to audit by the Secretary of Health, Education and Welfare.

SEC. 204. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

SEC. 205. None of the funds contained in this title shall be available for additional permanent positions in the Washington area if the total authorized positions in the Washington area is allowed to exceed the proportion existing at the close of fiscal year 1966.

SEC. 206. Appropriations in this Act for the Health Services Administration, the National Institutes of Health, the Center for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, and Health Resources Administration and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; rental or lease of living quarters (for periods not exceeding 5 years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country, purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; not to exceed \$9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

42 USC 209.

5 USC 5332 note.

SEC. 207. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student

School busing.

42 USC 2000c.

attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 208. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 210. None of the funds provided for in this Act shall be used to perform abortions, except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 211. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 328 of the Public Health Service Act.

SEC. 212. Funds appropriated under this title may not be used to pay the compensation of experts or consultants (other than full-time employees) or organizations thereof, or to procure by contract the services of experts or consultants or organizations thereof, in excess of \$194,000,000 during fiscal year 1979.

For the purposes of this section, consultant costs are defined by chapter 815 of the General Administration Manual of the Department of Health, Education, and Welfare.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1979."

42 USC 2000c.

Abortions.

42 USC 254a.

Experts or
consultants.

Citation of title.

TITLE III—RELATED AGENCIES

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President; hire of passenger motor vehicles; and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes, and for convening factfinding boards of inquiry appointed by the Director in the health care industry, \$22,686,000.

88 Stat. 395.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$4,776,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), \$648,000.

20 USC 1501
note.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$100,467,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$3,969,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$7,658,000.

RAILROAD RETIREMENT BOARD

PAYMENTS TO RAILROAD RETIREMENT TRUST FUND

For payment to the Railroad Retirement Account, as provided under sections 15(b) and 15(d) of the Railroad Retirement Act of 1974, \$313,000,000.

45 USC 231n.

REGIONAL RAIL TRANSPORTATION PROTECTIVE ACCOUNT

For payment of benefits under section 509 of the Regional Rail Reorganization Act of 1973, to remain available until expended, including not to exceed \$75,000 for payment to the Railroad Retirement Board for administrative expenses, \$25,000,000.

45 USC 779.

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, \$34,317,000, to be derived from the railroad retirement accounts: *Provided*, That \$500,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the foregoing limitation has been achieved: *Provided further*, That notwithstanding any other provision in law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r).

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, \$16,939,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the

Board of Commissioners of the Home and the Surgeon General of the Army.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

Experts and consultants.

5 USC 5332 note.

SEC. 402. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Uniforms or allowances.

SEC. 403. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

Meetings.

SEC. 404. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Funds to campus disrupters, prohibition.

SEC. 405. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Funds, transfer.

SEC. 406. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year limitation.

SEC. 407. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Lobbying.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient to engage in any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 408. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, Federal Mediation and Conciliation Service".

Ante, pp. 1567, 1571.

Human
participation
projects.

Regulations.

Short title.

SEC. 409. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or his parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

This Act may be cited as the "Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979".

Approved October 18, 1978.

CMS LIBRARY



3 8095 00007501 6

CMS Library
C2-07-13
7500 Security Blvd.
Baltimore, Maryland 21244

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-1248 (Comm. on Appropriations) and No. 95-1746 (Comm. of Conference).

SENATE REPORT No. 95-1119 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 124 (1978):

June 7, 8, 13, considered and passed House.

Sept. 25, 27, considered and passed Senate, amended.

Oct. 12, House agreed to conference report; concurred in certain Senate amendments, in others with amendments; insisted on disagreement to Senate amendment No. 103; Senate agreed to conference report; concurred in House amendments, receded from amendment No. 103, with an amendment.

Oct. 14, House concurred in Senate amendment.